

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.9646 OF 2004

Prasad M.Kargutkar. ...Petitioner.

Vs.

Mrs.Tejashree P.Kargutkar. ...Respondent.

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Mr.G.S.Godbole i/b. V.T.Sipahimalani & Co. for the  
Petitioner.

Mr.Sandesh D.Patil for the Respondent.

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**CORAM : DR.D.Y.CHANDRACHUD, J.**

April 27, 2005.

**P.C. :**

1. The Petitioner and the Respondent were married on 5th May 1999 according to Hindu Vedic Rites. Except for a brief period of 10 days, when they cohabited together, the parties have lived separately for nearly six years. The Respondent has filed a petition for annulment (M.P.222 of 1999) which is pending before the Civil Judge, Senior Division, Thane. This petition under

Article 227 of the Constitution, was filed in order to challenge several interlocutory orders passed by the Trial Court. When the Petition came up for hearing, Counsel appearing on behalf of the Petitioner and the Respondent fairly submitted before the Court that it would be eminently in the interest and the welfare of the parties to make an effort to resolve the dispute amicably. Accordingly, discussions have taken place between the parties with the assistance of the Learned Counsel, during the course of which, parties have agreed to a divorce by mutual consent. Parties have lived separately for nearly six years and the Court is informed that there is no possibility of a reconciliation now.

2. Consent Terms have been placed on the record and these terms have been signed by the parties and by their respective Advocates. Consent Terms taken on record and marked "X". Parties have agreed to withdraw all the allegations which have been levelled against each other.

3. Having heard Counsel and having perused the record before the Court, I am of the view that a divorce by mutual consent is in the interest of the parties and that the marriage should

accordingly be dissolved. Parties have lived separately for well in excess of the statutory minimum of one year which is prescribed by sub-section (1) of Section 13B of the Hindu marriage Act, 1955. They had cohabited for a brief period of ten days. The length of time that has elapsed since they separated and the attendant bitterness of a matrimonial dispute has rendered a reconciliation impossible. Both the parties are mature adults and desire an irrevocable separation in their mutual interest. In these circumstances, there shall be a decree of divorce. The marriage between the Petitioner and the Respondent shall stand dissolved.

4. The Petition is accordingly disposed of in the above terms.

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